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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,540	11/02/2001	Suzy Brown	4407P005	6075
8791	7590	05/03/2004		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			EXAMINER MULLEN, THOMAS J	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,540

Applicant(s)

BROWN ET AL.

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-20, 22-28 and 30-43 is/are rejected.
- 7) ☒ Claim(s) 12, 21, 29 and 44 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 454 (see p. 16 of the specification).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following elements must be shown or the feature(s) canceled from the claim(s):

- "computer system" (claim 1),
- "barcode labels affixed to...objects" (claims 9 and 26),
- "video cameras" (claims 10 and 27),
- "mechanical devices"/"weight (sensor)" (claims 11 and 28),
- "network communication link/interface" and "telephone communication link/interface" (claims 14 and 31),
- "client computers" (claims 15 and 32),
- "network/Internet" (claims 15-16 and 32-33),
- "user"/"designated person" notification via "wireless communication link/interface", "network communication link/interface" or "telephone communication link/interface" of claims 17-18 and 34, and "dedicated channel" and "pre-existing inventory control system" of claim 35 (these "links", "interfaces", "channels", etc. are to be distinguished from the communication link 235 between system 100 and server 230), and
- "an access code (being) automatically generated" (claim 44).

Regarding the above-noted elements in claims 1, 9-11 and 26-28, all that is shown with respect to the "controlled-access space" 110,210 in Figs. 1A, 1B and 2 are the objects (112-116), tags (120-124), locking mechanism 170, locking mechanism controller (180,240), door/door sensor (245,250) and "RFID system" 220. Note that the claimed "computer system" (claim 1, line 4) is distinguished from the "server computer system" in claim 13, lines 3-4, and thus the first-recited "computer system" apparently refers to some system other than system 200/230 in Fig. 2; likewise, the "computer system" is distinguished in claim 6 from the "tracking system", which appears to correspond to the "RFID system" 220.

Regarding the above-noted elements in claims 15-18 and 32-35, it appears that neither the "server computer system" 200 (Fig. 2) nor the "remote inventory management system" 400 (Fig.

4) corresponds to, or includes, any of these elements. In particular, neither block 320 (in the flow chart of Fig. 3) nor the "To/From Network" arrow in Fig. 4 is an adequate representation of an overall network communication system having potentially many client computers/locations (see specification paragraph 34, lines 9-10) networked with the server 230 of computer system 200 (Fig. 2), which in turn communicates with the "RFID system" 220 (or other "computer system") within controlled access space 110,120.

Regarding the above-noted elements in claims 14 and 31, link 235 in Fig. 2 is described in the specification simply as a "wireless link".

Regarding the above-noted element in claim 44, it appears that a block should be added to the flow chart in Fig. 3 to show the access code-generation function (see in the specification, paragraph 33, last 2 lines).

No new matter should be entered.

A proposed drawing correction or corrected drawings, or appropriate amendment to the specification, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The disclosure is objected to because of the following informalities: specification paragraph 28, line 2, after "action" should be inserted --is--.

Appropriate correction is required.

3. Claims 1-37 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 1, 3, 4, 6, 12, 13, 15 and 17, the use of the term "defective" is grammatically inconsistent with the other terms in the phrase "the addition, removal, return, defective, or other movements or status of objects"; i.e., it appears that "defective" should be --defectiveness--, --defective status-- , etc.

In claim 11, line 2, it appears that "absence or" should be --absence of--.

In claim 17, line 1, "the server" lacks clear antecedent basis (note "server computer system" in claim 13, line 3).

In claim 18, line 1, "the user" lacks clear antecedent basis (note "entity", claim 1; "designated person", claim 17; etc).

In claim 22, line 2, "the machine" lacks clear antecedent basis (i.e., the term "machine" is merely used on line 1 as part of an adjective, "machine-readable").

In claims 24-28, "the tracking system" lacks antecedent basis (note the dependency of these claims, and note intervening claim 23).

In claim 27, "locator" should be --location--.

In claim 32, line 2, "the server" lacks clear antecedent basis (note "server computer system" in claim 31, line 3).

In claim 43, it is unclear how "movements or status updates" is considered related to the prior recitations of "movement or status" (see e.g. claim 13, line 2).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5, 38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Belka et al (US 5777884).

Note in Belka et al (Fig. 1), processor 110; central database 130; user ID code reader 116 ("card reader", col. 2, line 56); and article ID code reader 118 ("barcode scanner", col. 2, line 56). Belka teaches using processor 110 in combination with central database 130 to associate, with respect to a "controlled space" (e.g., library, rental store, etc.--Abstract) having predetermined "objects" (e.g., "books, videos, audiocassettes"--col. 1, line 15), identity information regarding an entity (note "user identification and information data"--col. 2, lines 59-60) with "article identification and information data" (col. 2, lines 60-61); i.e., the entity's/user's identity information is associated with the "addition, removal, return", etc. of objects (i.e., "movement or status changes") which are returned to or removed from the "controlled space". See col. 2, line 57 to col. 3, line 38. As would be understood by those skilled in the art, the

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combination of the "processor" 110 and the "central database" 130 inherently constitutes a "computer system" having "memory" and which executes a "process" from the memory (processor 110 implicitly using a "machine-readable storage medium" for this purpose, e.g. the hard drive, a floppy disk, a CD-ROM) to form the "association" discussed above.

Regarding claim 3, Belka et al further discloses a computer monitor 112, via which "the system prompts the user through the transaction process" (col. 2, last line to col. 3, first line), and thus the monitor 112 implicitly displays or "notifies" the user of the "addition, removal, return", etc. of one or more objects ("books, videos, audiocassettes", as noted above).

Regarding claims 4-5, Belka et al further teaches distinguishing between "authorized" and "unauthorized" transactions (i.e. unauthorized "user" or "article"), and providing an appropriate notification thereof (see col. 3, lines 28-34).

Regarding claim 40, Belka et al further discloses a keyboard 111, i.e. an "input device" through which the user carries out the "transaction process" discussed above; it is inherent that the association between the entity identity and the "movement or status changes of objects" is at least partly carried out "according to information which is entered...by the entity" using the keyboard 111.

6. Claims 1-7, 10, 13-14, 22-24, 27, 30-31, 38-39 and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ghaffari et al (US 5708423).

Note in Ghaffari et al (Fig. 1), "machine" (reader 56, local control 60, host 66), which is a "data processing system (that) automatically maintains records of respective locations of a plurality of objects in real time...(by) maintain(ing) a data record with respect to each of the objects indicating the present location in (a) building of each of the objects" (Abstract). Each object has secured thereto an "object marker" 54 which "transmits an identification signal that is unique to the respective object" (Abstract). Sensor devices (in the form of "portal antennas" 52) are "installed at respective doorways of (the) building" (Abstract), and enable the reader 56 to detect not only the presence of an object at the portal or doorway (according to its "identification signal") but also the "direction in which the object is being moved through the doorway" (Abstract). The reader 56, responsive to such detection, is capable of controlling an "electro-mechanical door lock...installed as a locking device for a door...which selectively prevents

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passage through the portal" (col. 4, lines 43-51). See also col. 15, lines 6-17, regarding the selective door locking/unlocking at the portal. Ghaffari et al teaches that the reader 56 may also be responsive to devices identifying an "entity", such as a "biometric" (e.g. fingerprint or palm geometry) reading unit, "ID badge" reader, etc (col. 4, lines 51-54), and may also determine whether or not passage of either a "person" (entity) or an "asset" (object) through the portal/doorway is "authorized" (col. 4, lines 54-57). The reader "exchange(s) data" with control module 60 (col. 4, line 58 to col. 5, line 12), the control module 60 having a "database" associated therewith which "stores information (including) the identification codes of markers (54) that are authorized for passage through the portal (52)...(and) identification codes representative of individuals authorized to move the markers and associated objects through the portal (52)". The control module 60 in turn uploads specific "passage"-occurrence information to host computer 66 (col. 5, lines 29-42), "enabling the host 66 to maintain a virtually real-time record of the movements of articles to which markers (54) are attached".

Thus, reader 56, local control 60 and host 66, in combination, constitute (or include) a "machine-readable storage medium" (e.g., a hard drive or floppy disk or CD-ROM, inherently associated with at least one of elements 56, 60 or 62 or with the "database") or "processing unit/memory" in a "computer system", such storage medium/processing unit/memory capable of performing a "method" or "process" for automatically associating an "identity of an entity" with the "movement of one or more objects in a controlled-access location", wherein the "biometric" (e.g. fingerprint or palm geometry) reading unit, "ID badge" reader, etc (discussed above) determines the "identity of an entity"; the reader 56 in combination with portal antennas 52 (discussed above) determines the "movement of one or more objects"; and the "controlled access location" or "controlled space" corresponds to the "building" (discussed above--see Fig. 3), having a plurality of "asset control" or "movement tracking" zones separated by the above-described "portals" (52-1, 52-2, etc. in Fig. 3). See col. 13, line 50 to col. 14, line 37 regarding the "zones". As discussed above, if an association between the "entity" (passing from a first "zone" into a second "zone") and a given "object" is determined by the reader 56 (in combination with antennas 52 at the portal) to be "authorized", an "electro-mechanical door lock" is selectively unlocked to allow the entity to have access to the controlled-access location (i.e., the "second zone" discussed above).

Regarding claim 2, reader 56 corresponds to the "controller associated with the controlled space", for unlocking the "locking mechanism" discussed above.

Regarding claims 3-5, Ghaffari et al determines "authorization" status of the person and/or object at the portal, as discussed above, and further teaches providing various "notifications" regarding movement or status of objects, i.e. "events" that may be "displayed on a monitor...in a facility security office" (col. 5, lines 16-21); note also e.g. the "alarm" steps 262 and 292 in the flow charts of Figs. 16B and 17B, respectively.

Regarding claims 6, 23 and 39, the reader 56, local control 60 and host 66, in combination, constitute a "tracking system" associated with the controlled-access location, or building, defined by the different "zones" (Fig. 3).

Regarding claims 7 and 24, markers 54 are "tags" which communicate via a "wireless link" (see Fig. 14 and col. 11, line 4 to col. 12, line 22, regarding the components and operation of the marker 54).

Regarding claims 10 and 27, note video camera 62 (Fig. 1 and col. 5, lines 16-24).

Regarding claim 30, it is implied in Ghaffari et al that when the electro-mechanical door lock is selectively operated to allow passage of an authorized person and/or object, such lock would subsequently be "re-locked" after such passage (either when the door re-closes or after a predetermined time period, as is understood in the art), such that "all other entities" would implicitly be "automatically lock(ed) out" until further authorization is granted (at that portal or some other portal); also, since host 66 maintains "a virtually real-time record of the movements of articles" as discussed above, the system thus "account(s) for all remaining objects in the controlled-access location" prior to such further authorization.

Regarding claims 13-14, 31 and 41, host 66 is implicitly a "server", note that it may be connected to (and thus receive specific "passage"-occurrence information from) "several hundred (local control) modules (60)" (col. 5, lines 40-42).

Regarding claim 42, Ghaffari et al additionally teaches that "reports" may be generated, including data of "present and past locations of objects", for the purpose of "inventorying assets", etc (col. 5, lines 43-49); since host 66 maintains "a virtually real-time record of the movements of articles" as discussed above, the system thus inherently "decrements or increments inventory levels or changes in status of objects" in response to data transmitted to the server/host 66.

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Regarding claim 43, as discussed above Ghaffari et al teaches "correlating" the movement or status of objects with the "responsible" entity.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-9, 11, 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari et al.

Although the marker 54 in Ghaffari et al is apparently operable at selected radio frequencies (see again Fig. 14 and col. 11, line 4 to col. 12, line 22, regarding the components and operation of the marker 54), one skilled in the art would have recognized that any of the wide variety of known tags or markers may be usable in the Ghaffari et al system, such as the contact-based or barcode types recited in claims 8-9 and 25-26; therefore, it would have been obvious to use the Ghaffari et al system with contact-based or barcode type "tags", in order to increase the flexibility of applying such systems to pre-existing "controlled-access locations" and/or already-tagged sets of inventory. Regarding claims 11 and 28, it would have been obvious to implement weight sensors or other types of location/object-specific sensors in combination with the portal sensors in Ghaffari et al, in order to provide a more detailed or specific account of the movement of particular objects within the inventory.

9. Claims 15-20 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari et al, further in view of Lucas (US 2001/0051905, eff. date 3/7/00).

Ghaffari et al additionally teaches that "reports" may be generated, including data of "present and past locations of objects", for the purpose of "inventorying assets", etc (col. 5, lines 43-49). Ghaffari et al fails to teach that access to information in host computer 66 may be granted to "client computers" coupled to the server/host 66 through a "network". However, at the time of the invention it was well known to provide remote, network-based access to

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inventory-related data at a facility; for example, Lucas discloses a system and method "which allows third-parties to monitor company inventory via the Internet and World Wide Web...and automatically order needed items" from suppliers, manufacturers, or distributors based on such information (this system is described as a "vendor managed inventory", or VMI, system--see paragraphs 7 and 17-18 in the Lucas specification). It would have been apparent to those skilled in the art that third parties accessing the Internet from "client computers" in Lucas (note "Customer Inventory System" 130--Fig. 1 and paragraph 19) may contact the "server" (such as host 66 in Ghaffari et al) and make inventory-related decisions associated with building 208 of Ghaffari et al, thus enhancing the functionality of the Ghaffari et al "inventory" system. Therefore, it would have been obvious to combine the teachings of Ghaffari et al and Lucas, as in claims 15-16 and 32-33. Regarding claims 17-18 and 34, Lucas further teaches "automatically contacting" (or notifying) the suppliers, manufacturers, or distributors as needed (paragraph 9 in Lucas). Regarding claim 35, note "Customer Inventory System" 130 in Lucas discussed above. Regarding claims 19 and 36, the "automatically order(ing) needed items" in Lucas, discussed above, corresponds to objects being "automatically replenished". Regarding claims 20 and 37, Lucas further teaches aspects of "automatic billing" (see e.g. paragraph 92, last 5 lines).

10. Claims 12, 21, 29 and 44 would be allowable if rewritten to overcome the objection(s) under 37 CFR 1.75(a) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kucharczyk et al (US 6300873), Mufti et al (US 5363425), Worger et al (US 5664113), Loosmore (US 5682142) and Bowers et al (US 5963134) are cited to further show the state of the art.

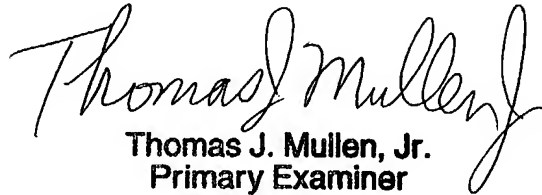
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 703-305-4382. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TJM


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632